

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNIBANK FOR SAVINGS,

Plaintiff,

vs.

M/V “JESSIE RAE”, her engines, tackle,
appurtenances, apparel, etc., in rem, and
ROBERT A. MAIHOS, in personam,

Defendants

Civ. A. No.

VERIFIED COMPLAINT

PARTIES

1. The plaintiff, UniBank for Savings (“UniBank”), is a Massachusetts stock savings bank with its principal place of business in Whitinsville, Massachusetts.

2. The defendant, the vessel “Jessie Rae” (“the Vessel”), is a 41’ fiberglass recreational vessel, official number 1185960, HIN number TQG41014J506, built in 2006 at Laconner, Washington, by Tomco Marine Group, Inc. She is within this District and is sued in rem.

3. On information and belief, the defendant, Robert A. Maihos, resides in Beverly, Massachusetts. He is sued in personam in admiralty.

JURISDICTION

4. This is a case of admiralty or maritime jurisdiction, and it is an admiralty or maritime claim within the meaning of Rule 9(h).

FACTS

5. On or about July 25, 2007, Maihos executed and delivered a promissory note payable to the order of UniBank in the principal amount of \$500,023.50. Maihos incurred the debt evidenced by the note in order to finance the purchase of the Vessel. A true copy of the note is attached to this Verified Complaint as Exhibit 1.¹

6. On or about July 27, 2007, Maihos executed, acknowledged, and delivered a preferred ship's mortgage, in which he granted to UniBank a preferred mortgage lien on the Vessel to secure his obligations under the note. A true copy of the preferred mortgage is attached to this Verified Complaint as Exhibit 2.

7. On or about August 22, 2007, UniBank filed the preferred mortgage. A true copy of the abstract of title showing the date of filing is attached to this Verified Complaint as Exhibit 3.

8. The preferred mortgage includes the whole of the Vessel, was filed in substantial compliance with 46 U.S.C. § 31321, and covers a documented vessel. A true copy of the certificate of documentation is attached to this Verified Complaint as Exhibit 4.

9. Maihos has defaulted on the preferred mortgage by failing to pay to UniBank amounts due under the promissory note.

10. In particular, although the note requires monthly payments of \$3,875.15 each, Maihos has made no payments at all since July 2009.

11. The bank has, pursuant to the note, declared the entire unpaid balance of the note to be immediately due and payable.

12. The principal amount of Maihos's current indebtedness to UniBank, secured by the preferred mortgage, is \$479,552.63.

¹ The account number is redacted pursuant to Fed. R. Civ. P. 5.2(a)(4).

13. The accrued interest and late charges as of May 7, 2010 are \$25,760.20.

14. Maihos is also liable to UniBank for interest at 6.99% per year, all costs of collection, and reasonable attorney's fees.

DEMAND FOR RELIEF

Therefore, the plaintiff demands the following relief:

1. Issuance of a warrant for the arrest of the "Jessie Rae", her engine, tackle, appurtenances, apparel, etc., in rem.
2. Judgment against the "Jessie Rae", her engine, tackle, appurtenances, apparel, etc., in rem, and Maihos, in personam, in the amount of \$505,312.83, plus interest at the contract rate, costs, and costs of collection, including attorney's fees.
3. Condemnation and sale of the "Jessie Rae", her engine, tackle, appurtenances, apparel, etc., free of all claims in the vessel existing on the date of the sale, to satisfy the plaintiff's claim.

Respectfully submitted,

UNIBANK FOR SAVINGS

By its attorneys:

/s/ Theodore J. Folkman
Theodore J. Folkman (BBO No. 647642)
Marie Scheibert (BBO No. 668919)
HANIFY & KING, P.C.
One Beacon St.
Boston, Massachusetts 02108
(617) 423-0400
tjf@hanify.com; ms@hanify.com

Of Counsel:

Jonathan F.X. O'Brien
HANIFY & KING, P.C.
One Beacon St.
Boston, Mass. 02108
(617) 423-0400
jfo@hanify.com

Dated: May 10, 2010

VERIFICATION

I, James P. Quitadamo, Vice President of UniBank For Savings, verify under penalty of perjury that the foregoing is true and correct. Executed on May 10, 2010.

/s/ James P. Quitadamo
James P. Quitadamo

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